

APPENDIX A

PROPOSED GENERAL ORDER 96-B

General Rules Governing Advice Letters and Information-only Filings

1. Overview of the General Order

1.1 Structure and Purpose

This General Order establishes General Rules governing informal matters (advice letters and information-only filings) submitted to the Commission by gas, electric, telecommunications, water, sewer system, pipeline, and heat utilities.

The three appendixes to this General Order establish Industry Rules of limited applicability. For example, the Industry Rules may create rules specific to a particular type of utility or advice letter.

The Industry Rules reflect the different needs and conditions within the specified utility industries and segments of those industries, especially as competition develops regarding some services formerly provided by utility monopolies. The respective Industry Rules may differ from each other, and may make distinctions within the covered industry, so long as these differences are consistent with these General Rules.

Taken together, the General Rules and the Industry Rules govern all informal matters submitted to the Commission by the specified utilities.

1.2 Utilities Operating in Different Utility Industries

If a utility provides utility services within two or more of the covered industries (Energy, Telecommunications, Water), the utility shall comply with each of the Industry Rules applicable to the respective services, unless the Commission has authorized the utility to file combined tariffs or advice letters.

1.3 Construction

APPENDIX A

The General Rules and Industry Rules shall be liberally construed to secure just, speedy, and inexpensive handling of informal matters, as set forth in this General Order. In special instances and for good cause, the Director of the appropriate Industry Division may waive or vary any of the procedural requirements of the Industry Rules.

1.4 Amendments

Each Industry Division's Industry Rules may be amended independently of these General Rules or the Industry Rules of the other Industry Divisions. Conforming amendments may be issued by the Commission's Executive Director as needed to ensure consistency with applicable statutes and Commission orders; all other amendments will be adopted by Commission order following notice and an opportunity to comment on the proposed amendments. All amendments and the complete text of this General Order will be published at the Commission's Internet site.

1.5 Computation of Time

When the General Rules or Industry Rules set a time limit for performance of an act, the time is computed by excluding the first day (i.e., the day of the act or event from which the designated time begins to run) and including the last day. If the last day does not fall on a business day, the time limit is extended to include the first day thereafter.

2. Code of Ethics

Rule 1 ("Code of Ethics") of the Commission's Rules of Practice and Procedure (California Code of Regulations, Title 20, Division 1, Chapter 1) shall apply to all matters governed by this General Order.

3. Definitions

The definitions apply to the following terms when used in the General Rules and the Industry Rules.

3.1 Advice Letter

APPENDIX A

“Advice Letter” means an informal request by a utility for Commission approval, authorization, or other relief, including an informal request by a utility for approval of a deviation.

3.2 Daily Calendar

“Daily Calendar” means the Daily Calendar published by the Commission.

3.3 Day; Business Day

“Day” means a calendar day. “Business Day” means a calendar day except for Saturdays, Sundays, and weekdays when the Commission’s offices are closed due to a State holiday. The Daily Calendar will include a list of State holidays for the current fiscal year and a list for the following fiscal year as soon as such list is available.

3.4 Deviation

The furnishing by a utility of any utility service at rates or under conditions other than the rates and conditions contained in its tariffs then in effect.

3.5 Disposition

“Disposition” refers to the grant or rejection of the relief requested in an advice letter. The disposition of an advice letter will be by resolution adopted by the Commission, except for (1) an advice letter rejected without prejudice pursuant to General Rule 5.4, or (2) an advice letter that is subject to disposition by Industry Division pursuant to General Rule 7.6.1.

3.6 Effective Pending Disposition

“Effective pending disposition” refers to a procedure under the appropriate Industry Rules whereby the utility filing an advice letter implements the actions or tariff changes set forth in the advice letter prior to its disposition pursuant to this General Order. The filer of an advice letter proposing such

APPENDIX A

implementation shall prominently designate the advice letter as “effective pending disposition.”

APPENDIX A

3.7 Formal; Informal

“Formal” refers to an application, complaint, petition, investigation, rulemaking, or proceeding initiated by order to show cause. “Informal” refers to an advice letter or other matter submitted to the Commission outside a formal proceeding at the Commission. An informal matter is an uncontested matter; or if the matter becomes contested, a hearing in the matter is not required in order to resolve the contested issues. See also General Rules 5.1 and 5.2.

3.8 Industry Division

“Industry Division” means the Energy, Telecommunications, or Water Division.

3.9 Information-only Filing

“Information-only Filing” means an informal report, required by statute or Commission order, that is submitted by a utility to the Commission, but that is not submitted in connection with a request for Commission approval, authorization, or other relief. “Information-only Filing” includes both periodic and occasional reports.

3.10 Person

“Person” refers both to entities and natural persons.

3.11 Protest

“Protest” means a filing that objects in whole or in part to the relief requested in an advice letter, and that contains at least the following information:

- (1) Specification of the advice letter being protested;
- (2) Grounds for the protest;
- (3) Supporting factual information or legal argument;

APPENDIX A

- (4) Name, telephone number, postal address, and (where appropriate) FAX number or e-mail address of the protestant; and
- (5) Statement that the protest was sent to the advice letter filer no later than the date on which the protest was submitted to the Industry Division reviewing the advice letter.

3.12 Reply

“Reply” means a filing containing an advice letter filer’s reaction to any protest or response to the advice letter.

3.13 Response

“Response” means a filing that does not object to the relief sought in an advice letter but that contains information the person submitting the response believes would be useful in the review and disposition of the advice letter, or would show an omission or other defect in an information-only filing.

3.14 Service

“Service,” when used with reference to sending a document, means mailing or delivering the document, or transmitting it by FAX, modem, or other electronic means, as provided in Rule 2.3(a) and (b) of the Commission’s Rules of Practice and Procedure.

3.15 Tariffs

“Tariffs” refer collectively to the rates, tolls, rentals, charges, classifications, special conditions, and rules that a utility must file or maintain as directed by the Commission, and that set forth the terms and conditions of the utility’s services to its customers.

APPENDIX A

3.16 Utility

“Utility” means a public utility that is a gas, electric, telecommunications, water, sewer system, pipeline, or heat utility. The Industry Rules may define “utility” more narrowly.

4. Notice, Access, and Filing Procedures Generally

4.1 Commission Policies

The Commission intends that all interested persons have the opportunity, through timely and efficient means, (1) to inspect a utility’s tariffs, and (2) to get notice of advice letter and information-only filings, access to public records regarding such filings, and information on the status of any particular advice letter, including associated supplements, protests, replies, or appeals, and the disposition of the advice letter.

Consistent with this intent, (1) the Daily Calendar will report information-only filings, advice letter and associated filings, and advice letter dispositions, and (2) the Commission will encourage use of the Internet to make available electronically searchable copies of currently effective tariffs, and to provide notice of events and access to documents related to advice letters.

The utilities and Industry Divisions shall use the Internet to the greatest extent feasible for exchange of information and service of documents. The utilities and Industry Divisions shall maintain and publicize e-mail addresses for these purposes.

4.2 Customer Notices

Unless a shorter notice period is authorized by statute or Commission order, the advice letter filer shall give affected customers at least 30 days notice before the effective date of an advice letter requesting increased rates or charges, or more restrictive terms or conditions, than those currently in effect. This notice requirement may be satisfied by one or a combination of the following: bill inserts; notices printed on bills; or separate notices sent by first-class mail.

APPENDIX A

Where authorized by the appropriate Industry Rules, the notice requirement may also be satisfied by notices printed in a newspaper of general circulation.

Where a utility has given notice as required in the above paragraph, and the Commission, in response, adopts changes in the utility's rates, charges, terms, or conditions, that differ materially from those requested by the utility and published in its notice, the appropriate Industry Division may require the utility to give affected customers notice, as described above, before the effective date of the advice letter submitted to implement the changes adopted by the Commission.

4.3 Maintaining Advice Letter Service Lists

Each utility shall maintain at least one advice letter service list, which shall include the postal and e-mail address, as appropriate, of persons on the list. To the extent practical, the utility shall maintain separate lists for different types of advice letters (for example, differentiating between customer classes or particular services), so that persons may request only those advice letters of interest. The utility shall include on the requested list any person that requests such inclusion, and may periodically confirm the desire of any currently listed person to remain on the list. On or before the date when the utility submits an advice letter for filing, it shall serve the advice letter on all persons listed for that type of advice letter.

4.4 Serving Documents by Internet

For purposes of this General Order, any person may accept service by Internet. A person indicates acceptance of such service by submitting an e-mail address along with a postal address to the utility, Industry Division, or third party serving a document on the person. Notwithstanding such acceptance, the utility, Industry Division, or third party shall make paper service immediately whenever service by Internet is unsuccessful.

4.5 Filing Format and Procedures; Automatic Extension of Filing Deadlines

For purposes of this General Order, documents shall be submitted for filing as provided in this General Order and the Industry Rules. The format of

APPENDIX A

such documents shall be as provided by Rule 2 of the Commission's Rules of Practice and Procedure, except that the format of tariffs shall be as provided in the appropriate Industry Rules.

When a filing deadline, as calculated under this General Order or the Industry Rules, does not fall on a business day, the deadline is automatically extended to the next business day. When an unscheduled closure of the Commission's offices occurs due to emergency, natural disaster, or any reason other than a weekend or State holiday, a document otherwise due on the day of the unscheduled closure shall be deemed timely if submitted for filing on the next business day following the unscheduled closure.

5. Use of Advice Letters

5.1 Matters Appropriate to Advice Letters

The advice letter process provides a quick and simplified review of utility requests that are expected to be noncontroversial, raise no important policy questions, and do not require the rigorous review through a hearing or other evidentiary process provided by a formal proceeding. A utility may request relief by means of an advice letter where the utility:

- (1) has been authorized or required, by statute or Commission order, to seek the requested relief by means of an advice letter; or
- (2) seeks Commission approval of a proposed action that the utility reasonably believes is appropriate for review through the advice letter process (as described above), and is (i) dictated by statute or Commission order, or (ii) authorized or required, by statute or Commission order, with sufficient specificity that the proposed action involves a relatively narrow exercise of discretion by the utility.

A utility may seek a rate increase by means of an advice letter only where such advice letter is authorized by statute or Commission order, or where the

APPENDIX A

rate increase is minor. For purposes of this General Rule, a rate increase is minor if it _____.

APPENDIX A

5.2 Matters Appropriate to Formal Proceedings

A utility shall make an application or other appropriate formal request for relief in the following circumstances:

- (1) The utility seeks relief that the Commission can grant only after holding an evidentiary hearing, or by decision rendered in a formal proceeding; or
- (2) The utility seeks Commission approval of a proposed action that the utility has not been authorized, by statute or Commission order, to seek by advice letter.

Except as provided in General Rule 5.1, a utility may seek a rate increase only by means of a formal application.

5.3 Changes to Tariffs

Changes to tariffs shall be requested by means of advice letter or formal proceeding.

5.4 Withdrawal; Rejection Without Prejudice

An advice letter filer may withdraw its advice letter without prejudice at any time prior to disposition, except that an advice letter that is effective pending disposition may not be withdrawn on or after the effective date designated in the advice letter.

Whenever the Industry Division reviewing an advice letter determines that the relief requested or the issues raised by the advice letter require a hearing, or otherwise require review in a formal proceeding, the Industry Division shall reject the advice letter without prejudice.

The advice letter filer may resubmit, as an application or other appropriate formal request for relief, an advice letter that it has withdrawn, or that is rejected without prejudice, pursuant to this General Rule.

APPENDIX A

6. Process for Handling Information-only Filings

6.1 Filing, Access, Service

Information-only filings shall be submitted to the appropriate Industry Division, and as further provided in the Industry Rules. Each filing will be reported in the Daily Calendar.

Information-only filings are public records, and are open to public inspection, except as provided under General Order 66-C (or the then-current successor to General Order 66-C). Any provision the Commission may make, now or in the future, for electronic notice of, and access to, the Commission's public records shall apply to information-only filings. Information-only filings need not be served, except as otherwise required by statute or Commission order.

6.2 Review

Since information-only filings do not seek relief, they are not subject to protest, as provided for applications and advice letters. The reviewing Industry Division may notify the filer of any omission or other defect in a filing, and the filer shall remedy such defect within a reasonable time. A utility that fails to remedy defects or fails to file a required report on time or at all shall be subject to fines and other sanctions.

7. Process for Handling Advice Letters

7.1 Filing, Access

Advice letters, protests, responses, and replies shall be submitted to the appropriate Industry Division, and as further provided in the Industry Rules. Each such filing shall indicate a postal address and (where appropriate) a FAX number or e-mail address at which the advice letter filer, protestant, or respondent agrees to receive subsequent documents and notices relevant to the advice letter. Each such filing will be reported in the Daily Calendar.

APPENDIX A

Advice letters, protests, responses, and replies are public records, and are open to public inspection, except as provided under General Order 66-C (or the then-current successor to General Order 66-C). Any provision the Commission may make, now or in the future, for electronic notice of, and access to, the Commission's public records shall apply to such filings.

Whenever the appropriate Industry Rules allow and the advice letter filer requests that an advice letter be effective pending disposition, the filer shall make the full text of the advice letter (including any attachments) electronically accessible by Internet on or before the date that the advice letter is submitted for filing. An advice letter cannot be effective pending disposition if the filer requests confidential treatment for all or part of the advice letter.

7.2 Service

On or before the date an advice letter is submitted for filing, and unless otherwise directed by Commission order, the filer shall serve the advice letter (1) on the Consumer Services Division and the Office of Ratepayer Advocates (service on these parties to be made by Internet); and (2) on the filer's advice letter service list (see General Rule 4.3) and any other third parties as specified in the appropriate Industry Rules, other Commission order, or statute.

The following additional requirements apply to service of any advice letter that requests a change to a Commission order. The filer of such an advice letter shall serve it on all persons that had been served with the Commission order. The advice letter shall specify the Commission order to which a change is requested, and shall set forth the following information:

- (1) The advice letter is subject to Public Utilities Code Section 1708, which states in pertinent part that the Commission may, "upon notice to the parties, and with opportunity to be heard as provided in the case of complaints, rescind, alter, or amend any order or decision made by it."
- (2) A person wishing to request an evidentiary hearing must file and serve a timely protest to the advice letter. The protestant must expressly request and explain the need for an evidentiary hearing. Such explanation must identify material disputed facts and indicate why a hearing must be held.

APPENDIX A

- (3) Any right a person may otherwise have to an evidentiary hearing will be waived if that person does not follow the above procedure for requesting one.

After the filing of an advice letter, and pending its disposition, the filer shall promptly provide a copy of the advice letter to anyone so requesting. Such provision shall be without charge to anyone who is a current customer for utility services from the filer, or to anyone receiving the advice letter by Internet.

7.3 Effective Date

The utility filing an advice letter shall include the requested effective date, as further provided in the Industry Rules. The Industry Rules may provide for implementation of the actions or tariff changes set forth in an advice letter to be effective pending disposition of the advice letter. When an advice letter is effective pending disposition, all service rendered pursuant to the advice letter and prior to disposition will be subject to any Commission order requiring refunds or such other or additional adjustments as may be necessary or appropriate.

7.4 Protests and Responses

Any person may protest or respond to an advice letter. Within 20 days after the date that the advice letter is reported in the Daily Calendar, the protest or response shall be submitted to the appropriate Industry Division and served on the same day on the utility filing the advice letter. After filing a protest, and pending disposition of the advice letter, the protestant shall promptly provide a copy of the protest to anyone so requesting.

7.4.1 Grounds for Protest

An advice letter may be protested on one or more of the following grounds, or as provided in the Industry Rules:

- (1) The advice letter filer did not properly serve or give notice of the advice letter;

APPENDIX A

- (2) The relief requested in the advice letter would violate statute or Commission order; or
- (3) The calculations or other analysis submitted in support of the advice letter contain material errors.

In addition, an advice letter may be protested on the grounds that the proposed rate, charge, service, condition, or classification is unjust, unreasonable, or discriminatory, except that, as illustrated by the following examples, an advice letter is not subject to protest on these grounds where such protest would require relitigating a prior order of the Commission approving or authorizing such rate, charge, service, condition, or classification.

Example 1. Where the Commission has approved a rate change, an advice letter submitting tariff sheets in compliance with the Commission order approving the rate change is not subject to protest on the grounds that the rates are unjust, unreasonable, or discriminatory.

Example 2. Where the Commission does not regulate the rates of a specific type of utility, an advice letter submitting a rate change by a utility of the specified type is not subject to protest on the grounds that the rates are unjust, unreasonable, or discriminatory.

Example 3. Where the Commission has established a rate band within which a utility is free to set rates for a specific type of service, an advice letter submitting a rate change for a service of the specified type is not subject to protest on the grounds that the rates are unjust, unreasonable, or discriminatory.

In all of the above examples, the advice letters may still be protested on other grounds. E.g., in example 3, if the rate change falls outside the rate band or applies to a service other than of the specified type, the advice letter would violate the Commission order approving the rate change and is subject to protest on that ground.

7.4.2 Replies

APPENDIX A

The utility filing an advice letter shall reply to each protest and may reply to any response. Any such reply shall be submitted to the reviewing Industry Division within five business days after the protest or response is served, and shall be served on the same day on the person making the protest or response. If multiple protests or responses to an advice letter are filed, the utility's reply may be to all such protests and responses and may be filed and served within five business days after service of the latest protest or response.

7.4.3 Late-Filed Protest or Response

The Industry Divisions may consider a late-filed protest or response. If an Industry Division considers a late-filed protest or response, it shall notify the utility filing the advice letter, and the utility shall have five business days from the date of issuance of the notice within which to reply to the late-filed protest or response.

7.5 Revisions to Advice Letters

The advice letter filer may make minor revisions or corrections to the filing at any time before the effective date by filing and serving a supplement or substitute sheet. The filer shall withdraw the advice letter without prejudice (see General Rule 5.4) in order to make major revisions. Supplements, substitute sheets, and withdrawals shall be filed and served in the same manner and on the same persons as was the original advice letter.

Minor revisions do not automatically extend the protest period or delay the effective date of the advice letter. The reviewing Industry Division, on its own motion or at the request of any person, may issue a notice extending the protest period or delaying the effective date of a revised advice letter. Any protest during the extended period shall be confined to the substance of the revision.

7.5.1 Supplements

A supplement to an advice letter may be used to make minor revisions. The following revisions are examples of what commonly, but not necessarily, qualify as minor: a modification in response to a protest; a withdrawal of a

APPENDIX A

pending new service; a language clarification; or a later effective date. The supplement shall bear the same identifying number as the original advice letter but shall have a letter suffix “A” for the first supplement, “B” for the second supplement, etc.

7.5.2 Substitute Sheets

A substitute sheet may be used to correct minor typographical errors or other insubstantial errors in an advice letter or tariff sheets.

7.5.3 Advice Letters Effective Pending Disposition

Where the Industry Rules authorize the filing of an advice letter effective pending disposition, the Industry Rules may establish additional procedures for the utility to submit revisions or corrections prior to disposition when the appropriate Industry Division, during its review of such an advice letter, discovers a defect in the advice letter or the tariff changes set forth in the advice letter. Such procedures may include a penalty of \$500 per day of noncompliance whenever a utility fails to submit a timely or satisfactory revision after notice by the Industry Division, as prescribed in the procedures. In addition to the penalty, the Commission may take such other actions as may be appropriate to protect consumers and ensure compliance with law.

7.6 Disposition of Advice Letters

An advice letter filer shall indicate in the advice letter whether the filer believes it is subject to Industry Division disposition. The utility’s recommendation is not binding on the Industry Division.

7.6.1 Industry Division Disposition of Advice Letters

The Commission intends by this rule to make advice letters subject to Industry Division disposition in all instances where the delegation of such authority to the Industry Divisions is lawful.

An advice letter is subject to disposition by the reviewing Industry Division whenever such disposition would be a ministerial act. Industry

APPENDIX A

Division disposition is appropriate where both of the following conditions are met: (1) statutes or Commission orders have authorized the action proposed in the advice letter; and (2) the authorization is sufficiently specific that the Industry Division need not exercise discretion in its review but need only determine, as a technical matter, whether the proposed action is within the scope of what has already been authorized by statute or Commission order. In addition, the Industry Division will reject any advice letter where the advice letter or workpapers are deficient on their face.

An advice letter will be subject to Industry Division disposition even though its subject matter is technically complex, so long as a technically qualified person could determine objectively whether the proposed action has been authorized by the statutes or Commission orders cited in the advice letter. Whenever such determination requires an exercise of discretion by the reviewer, the disposition of the advice letter will be by Commission resolution, as provided in General Rule 7.6.2.

The Industry Division will review each advice letter filed with it, together with any protests, responses, and replies. If the Industry Division, in light of such review, concludes that the advice letter is subject to disposition under this General Rule, the Industry Division will report its disposition in the Daily Calendar. A written disposition is not necessary unless the Industry Division rejects the advice letter or grants a protested advice letter, in which instances the Industry Division will also issue a written disposition stating the basis for rejecting the advice letter or the protest. The written disposition will be served on the advice letter filer and on any person filing a protest or response to the advice letter.

7.6.2 Disposition by Resolution

Except as provided in General Rule 5.1 or 7.6.1, the Industry Division will prepare and place on the Commission's meeting agenda a proposed resolution approving or rejecting any advice letter filed with the Industry Division. The proposed resolution will contain the Industry Division's recommended disposition and analysis supporting such disposition. As with decisions issued pursuant to the Commission's expedited complaint procedure, the proposed

APPENDIX A

resolution will not contain separately stated findings of fact or conclusions of law but may set forth a brief summary of the facts.

The Commission may adopt the proposed resolution or modify it in whole or in part. After the Commission has acted on the resolution, its action will be reported in the Daily Calendar and the resolution will be served on the utility filing the advice letter and on any person filing a protest or response to the advice letter.

7.7 Reconsideration; Appeal

7.7.1 Reconsideration of Industry Division Disposition

The utility filing the advice letter or any person filing a protest to the advice letter may request reconsideration of a disposition under General Rule 7.6.1 by the Industry Division's Director or (where the pertinent Industry Rules so provide) by an individual within the Industry Division who is delegated by the Industry Division's Director, and who (aside from this reconsideration) will have had no prior involvement with review of the advice letter, either directly or through supervision of staff.

Any such request for reconsideration shall be submitted to the Industry Division within 10 days after the issuance of the written disposition, and shall be served on the same day. If the requester is the utility filing the advice letter, it shall serve all persons filing protests or responses to the advice letter. If the requester is a person filing a protest, the requester shall serve the utility and all other persons filing protests or responses to the advice letter. A person filing a response does not have standing to request reconsideration. No late-filed request will be entertained.

Within 10 days after the request was served (or in the case of multiple requests, after service of the last-filed request), the advice letter filer, any protestant, the Consumer Services Division, or the Office of Ratepayer Advocates may file and serve a response to the request. No reply from the requester is allowed.

APPENDIX A

Within 40 days of the date that the request was filed (or if more than one request is filed, within 40 days of the date that the last request was filed), the Director or the Director's delegate will issue a written decision on reconsideration. The decision will be reported in the Daily Calendar and will be served on the utility filing the advice letter and on any person filing a protest or response to the advice letter.

The utility filing the advice letter or any person filing a protest to the advice letter may request Commission review of the decision on reconsideration. Any such request for Commission review shall be submitted to the Industry Division within 10 days after the issuance of the decision on reconsideration, shall be served in accordance with the procedures in this General Rule applicable to service of a request for reconsideration, and shall set forth specifically the grounds on which the requester considers the decision on reconsideration to be unlawful or erroneous. Upon receipt of a timely request for Commission review, the Industry Division will prepare and place on the Commission's meeting agenda a proposed resolution in accordance with General Rule 7.6.2. Pending Commission action on the proposed resolution as provided in General Rule 7.6.2, the advice letter will take effect if it is granted under the decision on reconsideration.

7.7.2 Appeal of Resolution

Pursuant to Public Utilities Code Sections 1731 to 1736 and Rules 85 to 86.7 of the Commission's Rules of Practice and Procedure, the utility filing the advice letter or any person filing a protest to the advice letter may apply for rehearing of a resolution approving or rejecting the advice letter under General Rule 7.6.2. The application for rehearing shall set forth specifically the grounds on which the applicant considers the resolution to be unlawful. A person filing a response does not have standing to apply for rehearing.

The application for rehearing shall be submitted to the Commission's Docket Office, which will assign a docket number to the application, and with the appropriate Industry Division. Service of an application for rehearing shall be the same as provided for requests for reconsideration under General Rule 7.7.1.

APPENDIX A

7.8. Petition for Modification

A Commission resolution issued under General Rule 7.6.2 is subject to petition for modification to the same extent and under the same procedures as provided, with respect to Commission decisions, by Rule 47 of the Commission's Rules of Practice and Procedure, except that the procedure for filing and serving a petition for modification of such resolution is the same procedure as provided for requests for reconsideration under General Rule 7.7.1.

8. Tariffs

8.1 Filing, Maintaining, Making Accessible

At all times, and as further provided in the Industry Rules, each utility shall comply with the following requirements regarding its tariffs then in effect: (1) file them with the appropriate Industry Division; (2) maintain them at the utility's offices serving California customers; (3) make them accessible for public inspection; and (4) promptly submit, by advice letter or application, such revisions as are necessary to conform the utility's tariffs to statute or Commission order. These requirements shall apply except where and to the extent that, by statute or Commission order, compliance is expressly excused for the specific utility or type of utility, or for specific services offered by the utility or type of utility.

8.2 Serving Under Tariffs

Except as by authorized by statute or Commission order, or pursuant to contract or other deviation as provided under the appropriate Industry Rules, a utility shall serve its California customers only at rates and under conditions contained in its tariffs then in effect. Any ambiguity in a tariff provision shall be construed in the way most favorable to the customer.

8.3 Notice to Correct Tariffs

For any tariffs in effect (other than tariffs effective pending disposition), an Industry Division, on the complaint of a utility's customer, the Consumer Services Division, or the Office of Ratepayer Advocates, or on its own motion,

APPENDIX A

may issue a notice directing the utility to correct tariffs that the Industry Division believes may violate a statute or Commission order. Such notice to correct will identify the tariffs believed to be in violation, and will explain the basis for the Industry Division's belief.

Within 10 business days of the issuance of the notice to correct, the utility shall submit to the Industry Division either (1) an advice letter proposing corrective action, or (2) an answer explaining why the utility believes the tariffs in question comply with the specified statute or Commission order.

If the utility responds to the notice to correct by submitting an answer, the Industry Division shall either (1) rescind the notice to correct, or (2) affirm the notice to correct, with an explanation of why the Industry Division disagrees with the utility's answer. If the Industry Division affirms the notice to correct, all service rendered pursuant to the tariff in question, at least from the date of issuance of the notice to correct, is subject to any subsequent Commission order requiring refunds, together with such other or additional adjustments as may be necessary or appropriate, as in the case of service rendered pursuant to an advice letter effective pending disposition.

8.4 Tariff Format

Tariff sheets shall be 8 ½ inches wide by 11 inches long of paper stock not less than 16-lb. bond or of equal durability. Tariff sheets shall be printed, typewritten, or other process that will provide a durable record. Type size shall be 10 point or larger. Except as provided in the Industry Rules, tariff sheets shall not contain handwritten text, marks, or alterations, and any such handwritten matter shall have no effect. Only one side of a sheet shall be used, and each sheet shall have a header and a footer of 1 1/8 inches and a left margin of at least 1 1/8 inches. The Industry Rules may contain additional format requirements, including rules regarding tariff numbering and maintenance of tariffs in electronic media, and may provide illustrative exhibits.

Header. On each sheet, the utility shall provide:

- (1) On the left - The name, address, and CIS number of the utility.

APPENDIX A

- (2) On the right - Cal. P.U.C. Sheet No., with designation as an original or revised sheet (these spaces may be left blank), together with the Cal. P.U.C. numbers of the sheet being cancelled, if any.

Footer. On each sheet, the utility shall provide:

- (1) On the left - Advice Letter No. - the number of the advice letter that is requesting approval of the tariff sheet. Decision No. - the Commission's decision number if the sheet is filed in accordance with a decision; otherwise this space is left blank.
- (2) Center - Name and Title of an individual authorized by the utility to legally obligate it.
- (3) On the right - Date Filed, Effective, and Resolution No. followed by blank spaces to be filled in by the appropriate Industry Division.

When a rate schedule or tariff rule is carried forward from one tariff sheet to another, the bottom and top of the appropriate sheets shall be marked "Continued."

8.5 Tariff Contents

Each utility's tariffs shall include the following contents, arranged in the order set forth below. The Industry Rules may require additional contents, as appropriate.

8.5.1 Title Page

The cover page of each utility's tariffs shall be a title page showing the utility's name (and any other fictitious business names), mailing address, and types of utility service provided and territory served. If the utility's tariffs are in multiple volumes, each volume shall contain a title page with the above information and a unique identifier for that volume.

8.5.2 Table of Contents

APPENDIX A

The table of contents shall list all tariff titles and page numbers of currently effective tariff sheets in the order in which the tariff sheets appear in the tariff book.

8.5.3 Preliminary Statement

The preliminary statement shall briefly describe or explain: the territory served; the types and classes of service rendered; the general conditions under which services are rendered; the memorandum accounts, balancing accounts, and adjustment clauses that might affect the utility's rates; and other tariff provisions that do not appear in the tariff rules or rate schedules. The preliminary statement shall also define technical terms used in the tariffs, and shall explain the symbols used to identify tariff changes (see Public Utilities Code Section 491) as follows:

- (C) To signify changed listing, rule, or condition which may affect rates, charges, terms, or conditions;
- (D) To signify discontinued material, including listing, rate, rule, or condition;
- (I) To signify rate or charge increase;
- (L) To signify material relocated to another part of tariff schedules with no change in text, rate, rule, or condition;
- (N) To signify new material including listing, rate, rule, or condition;
- (R) To signify rate or charge reduction; and
- (T) To signify change in wording of text but not change in rate, rule, or condition.

8.5.4 Service Area Map

Each utility's tariffs shall include a map or maps clearly indicating the boundaries of the utility's service area and the general location of the service area

APPENDIX A

in relation to nearby cities, highways, or other well-known reference points. The scale of such maps shall be adequate to make them easily readable and to enable the relation between the boundaries and the references to appear clearly on their face.

If a utility serves the entire state, a statement of this fact shall be provided instead of a service area map.

8.5.5 Rate Schedules

Each utility's tariffs shall set forth all of its rate schedules, including for each schedule the schedule number or other designation, the schedule title (e.g., general or residential), the requirements to obtain service, the rates and charges (in tables if possible), and any special conditions, limitations, qualifications, or restrictions specific to the service or rates under the schedule. Amounts subject to refund, contingent charges, and offset surcharges are examples of such special conditions.

8.5.6 List of Contracts and Other Deviations

Except and to the extent excused by statute or Commission order, each utility's tariffs shall contain a list of all contracts and other deviations under which the utility provides service at rates or under conditions other than those contained in its tariffs then in effect. For each such contract or other deviation, the list shall state: the name and location of the customer; the type or class of service; dates of execution and expiration; the date and number of the Commission order authorizing the contract or other deviation; and the utility's most comparable rate schedule, together with a summary of how the contract or other deviation differs from that schedule.

If a utility has no such contract or other deviation then in effect, a statement of this fact shall be provided instead of this list.

8.5.7 Tariff Rules

Each utility's tariffs shall separately state those rules regarding its rates, charges, and services that are not fully set forth in its rate schedules. Each such

APPENDIX A

tariff rule shall have a number and descriptive title. Each such tariff rule shall have its own sheet or series of sheets. The following subjects, and other subjects as appropriate, shall be covered by tariff rule:

- (1) *Definitions* - Clear and concise definitions of the principal terms used in the tariffs.
- (2) *Description of Service* - Description of types of service rendered and standards of service maintained.
- (3) *Application for Service* - procedure to obtain service.
- (4) *Contracts* - When a contract will be required for service.
- (5) *Special Information Required on Forms* - Notices to customers required to appear on contracts, bills, and deposit receipts.
- (6) *Establishment and Re-establishment of Credit* - Procedure to establish credit and to re-establish credit.
- (7) *Deposits* - Required for various purposes and classes of service, conditions precedent to return of deposits, interest paid.
- (8) *Notices* - Methods of providing notice.
- (9) *Issuance and Payment of Bills* - Methods of issuing bills, billing periods, due dates, methods of payment.
- (10) *Disputed Bills* - Methods of adjustment, disputed amount may be deposited with Commission, time limits for actions.
- (11) *Discontinuance and Restoration of Service* - Reasons for discontinuance, notification, time limits for actions, procedure for restoration of service, charges.
- (12) *Information on Services and Promotional Offerings* - How to get information on services (including types of services, rate plans,

APPENDIX A

- conditions on eligibility, other terms and conditions) and promotional offerings available from the utility. Rule shall include office hours, telephone number, and (if applicable) e-mail address for contacting utility with requests for such information.
- (13) *Temporary Service* - Conditions to providing temporary service or service to speculative projects.
 - (14) *Continuity of Service* - Interruption of delivery of service, notice to customers, apportionment of available service.
 - (15) *Extensions of Lines or Mains* - Free extensions, extensions beyond free length, conditions of contributions or advances to individuals or developers, deposits, refunds, ownership, maintenance.
 - (16) *Facilities on Customers' Premises and Service Connections* - Utility employees to make service connections, no others unless authorized; right of access to customers' premises.

The Industry Rules may specify additional subjects to be covered by tariff rules of utilities within the respective industries. Subjects having special significance to particular utilities shall be covered either by inclusion in the tariff rules described above or by additional numbered tariff rules specifically addressing those subjects.

8.5.8 Sample Forms

Each utility's tariffs shall contain sample copies of printed forms, such as applications for service, regular bills for service, contract forms, delinquency notices, disconnect notices, connection fee data forms, deposit receipts, and all other forms that are normally used in connection with the utility's services. Such sample copies may contain data for illustrative purposes. Each sample copy shall be printed on a regularly numbered tariff sheet showing the name of the form. For purposes of this General Rule, and except where prohibited by statute or Commission order, utilities may use forms developed by government agencies.

APPENDIX A

9. Confidential Treatment

In general, any information submitted in support of or opposition to the relief requested in an advice letter will either be open to public inspection or will already be subject to confidential treatment pursuant to a protective order issued in a formal proceeding. Because matters governed by this General Order are informal, it is rarely appropriate to seek confidential treatment of information submitted in the first instance in the advice letter process. In no event can an advice letter be effective pending disposition if the filer requests confidential treatment for all or part of the advice letter.

Whenever a person making a filing (other than an application for rehearing) under this General Order wants the Commission to keep the entire filing under seal, or in redacted and unredacted versions, the filer shall submit to the reviewing Industry Division a written request for such confidential treatment. Any such request shall be served together with a redacted version of the filing to which the request relates. The request shall either (1) attach a copy of the protective order that applies to the information for which confidential treatment is sought, or (2) explain why it is appropriate to accord confidential treatment to the information in the first instance in the advice letter process. In the latter case, the request shall attach a proposed protective order. In either case, the request shall be narrowly drawn, shall identify the text and the information within the filing for which confidential treatment is sought, and shall specify the grounds, as set forth in General Order 66-C (or the then-current successor to General Order 66-C), justifying such treatment.

Any person may object to the requested confidential treatment, and shall meet and confer with the filer to resolve such objections informally whenever possible. When such objections are not so resolved, the Industry Division will refer the request to the Administrative Law Judge Division. Confidential treatment shall be accorded pending a ruling on the request; however, the Industry Division, in appropriate circumstances, may issue a notice delaying the effective date of the advice letter pending the ruling.

10. Customer Request for Deviation

APPENDIX A

An Industry Division, in its Industry Rules, may provide an informal procedure for a utility customer to request a deviation from that utility's tariffs. The procedure will include provisions for filing and service of such a request, utility response and reply to the response, disposition of the request, and appeal from the disposition. For the purpose of this procedure, "utility customer" may include a prospective customer or a developer acting on behalf of prospective customers.

(END OF APPENDIX A)

**Table of Contents
Of Appendix A**

1. Overview of the General Order.....	1
1.1 Structure and Purpose.....	1
1.2 Utilities Operating in Different Utility Industries.....	1
1.3 Construction.....	1
1.4 Amendments.....	2
1.5 Computation of Time	2
2. Code of Ethics.....	2
3. Definitions	2
3.1 Advice Letter.....	2
3.2 Daily Calendar	3
3.3 Day; Business Day	3
3.4 Deviation	3
3.5 Disposition.....	3
3.6 Effective Pending Disposition	3
3.7 Formal; Informal.....	5
3.8 Industry Division.....	5
3.9 Information-only Filing.....	5
3.10 Person.....	5
3.11 Protest	5
3.12 Reply	6
3.13 Response	6
3.14 Service.....	6
3.15 Tariffs.....	6
3.16 Utility	7
4. Notice, Access, and Filing Procedures Generally	7
4.1 Commission Policies.....	7
4.2 Customer Notices.....	7
4.3 Maintaining Advice Letter Service Lists.....	8
4.4 Serving Documents by Internet.....	8
4.5 Filing Format and Procedures; Automatic Extension of Filing Deadlines.....	8
5. Use of Advice Letters.....	9
5.1 Matters Appropriate to Advice Letters.....	9
5.2 Matters Appropriate to Formal Proceedings.....	10
5.3 Changes to Tariffs.....	11
5.4 Withdrawal; Rejection Without Prejudice	11
6. Process for Handling Information-only Filings	12
6.1 Filing, Access, Service	12
6.2 Review	12
7. Process for Handling Advice Letters	12
7.1 Filing, Access.....	12

7.2 Service	13
7.3 Effective Date	14
7.4 Protests and Responses	14
7.4.1 Grounds for Protest	14
7.4.2 Replies.....	15
7.4.3 Late-Filed Protest or Response	16
7.5 Revisions to Advice Letters.....	16
7.5.1 Supplements.....	16
7.5.2 Substitute Sheets	17
7.5.3 Advice Letters Effective Pending Disposition	17
7.6 Disposition of Advice Letters	17
7.6.1 Industry Division Disposition of Advice Letters.....	17
7.6.2 Disposition by Resolution.....	18
7.7 Reconsideration; Appeal	19
7.7.1 Reconsideration of Industry Division Disposition	19
7.7.2 Appeal of Resolution.....	20
7.8. Petition for Modification	21
8. Tariffs.....	21
8.1 Filing, Maintaining, Making Accessible	21
8.2 Serving Under Tariffs.....	21
8.3 Notice to Correct Tariffs.....	21
8.4 Tariff Format	22
8.5 Tariff Contents	23
8.5.1 Title Page.....	23
8.5.2 Table of Contents	23
8.5.3 Preliminary Statement.....	24
8.5.4 Service Area Map.....	24
8.5.5 Rate Schedules	25
8.5.6 List of Contracts and Other Deviations	25
8.5.7 Tariff Rules.....	25
8.5.8 Sample Forms.....	27
9. Confidential Treatment	28
10. Customer Request for Deviation	28